



INTERIOR BOARD OF INDIAN APPEALS

Elvida Crutcher v. Acting Western Regional Director, Bureau of Indian Affairs

40 IBIA 23 (05/18/2004)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

ELVIDA CRUTCHER,
Appellant

v.

ACTING WESTERN REGIONAL
DIRECTOR, BUREAU OF
INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 04-86-A
:
:
:
: May 18, 2004

Appellant Elvida Crutcher, pro se, sought review of a February 25, 2004, decision of the Acting Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning her application for Housing Improvement Program (HIP) assistance in fiscal year 2003. The Regional Director determined that Appellant was not eligible for HIP funds, but also indicated that she may reapply in the future, with proper documentation indicating that she meets the eligibility criteria. For the reason discussed below, the Board of Indian Appeals (Board) docketed this appeal, but dismisses it.

Appellant was required to serve copies of her notice of appeal on the Assistant Secretary - Indian Affairs and any other known parties in interest. 43 C.F.R. §§ 4.310(b), 4.320(b). Appellant's notice of appeal did not include a statement or otherwise indicate that she had complied with that requirement. In its March 30, 2004, pre-docketing notice and order to serve interested parties, the Board ordered Appellant to serve a copy of her notice of appeal, including attachments, on the interested parties listed on a distribution list attached to that order, and to provide the Board with a statement on or before April 30, that she had done so. The Board advised Appellant that if she failed to comply with the order, her appeal would be dismissed for failure to prosecute. The Board has received no response from Appellant.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal, but dismisses it for failure to prosecute.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Colette J. Winston
Administrative Judge